

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STEVEN LEE GLACKEN,	:	<b>CASE NO. 1:11-CV-2020</b>
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
	:	
SUPERINTENDENT JOHN KERESTES,	:	
	:	
Respondent	:	

**REPORT AND RECOMMENDATION**

This is a 28 U.S.C. § 2254 habeas corpus petition. Stephen Lee Glacken, the petitioner, was convicted in the Adams County Court of Common Pleas of criminal offenses. He filed this petition on October 31, 2011. After he had made an election to proceed with the petition, and after he paid the filing fee, the respondent filed an answer to the petition.

The respondent asserts that the petitioner has not exhausted certain of his claims. The petitioner filed a traverse in which he argues that he should be excused from exhausting his state judicial remedies.

Because the petition is not organized in a manner that facilitates the court's consideration of the claims and because the petition does not set forth information about the petitioner's state court appeals and post-conviction proceedings that are required by the standard Section 2254 habeas corpus form, we decided to order an amended petition. We directed the petitioner to file the amended petition using the standard Section 2254 habeas corpus form. We also granted the petitioner leave to submit an amended Election Form, so that he may, if he so elects, withdraw this petition, exhaust all of the federal claims that he intends to present, and after exhaustion bring a new petition. We warned the petitioner, however, that withdrawing the petition may have statute of limitations adverse consequences.

On February 14, 2012, the petitioner filed the Notice of Election form (Doc. 15) wherein he notified the court that he wishes to withdraw his petition for a writ of habeas corpus so that he may file one, all-inclusive petition under 28 U.S.C. § 2254 within the one-year time limit for filing such a petition.

Given the petitioner's announced intention that he does not wish to proceed with his present petition, it is recommended that the petition be dismissed without prejudice.

/s/ J. Andrew Smyser  
J. Andrew Smyser  
Magistrate Judge

DATED: February 15, 2012.